IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18606 of 2004

Between:

K.Shankaraiah S/o K.Gampanna
Ramapuram Village, Tadimarri Mandal,Anathapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Dharmavaram, Ananthapur District.
2 The Joint Collector, Ananthapur District at Ananthapur
3 The Hon'ble Minister for Civil Supplies, Government of Andhra Pradesh , Hyderabad.
4 V.Adinarayana S/o Kullayappa
R/o Ramauram Villlage , Tadimarri Mandal, Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue a writ of Mandamus or any other appropriate wirt or writs, order or Direction, declaring the order dt. 23/09/2004 in Proc.No.44/M/F &CS/2004 on the file of the third respondent herein and the proceedings dt. 24/09/2004 in Rc.No.2282/2004/F on the file of the first respondent herein, as illegal, arbitrary and without jurisdiction; Award costs

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: Mr. Seetaram

For Mr.G.Ram Mohan Reddy, Advocate

The Court at the admission stage made the following :

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Oral Order:

Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents 1 to 3 and Mr.Seetaram, learned advocate representing Mr.G.Ram Mohan Reddy for respondent No.4 and with their consent the writ petition is disposed of at the admission stage.

It is not in dispute that on cancellation of dealership of permanent dealer of Ramapuram Village, petitioner and the 4th respondent have applied for appointment as temporary dealers pursuant to notification issued by the Revenue Divisional Officer—1st respondent. The 1st respondent appointed the petitioner as temporary fair price shop dealer, Ramapuram. Questioning the same the 4th respondent filed an appeal before the Joint Collector—2nd respondent, who rejected the same stating that he did not want to interfere in the process of appointment of temporary dealer and directed the 1st respondent to take necessary action. Aggrieved by the same, petitioner filed a revision before the Government and in which the Government stayed the appointment of the petitioner till further orders. Consequently the RDO by proceedings dated 24-09-2004 directed the MRO, Taddimarri to make alternative arrangements for smooth function of Public Distribution system in Ramapuram Fair Price Shop until further orders.

It is now represented that cancellation of authorization of permanent dealer of

Ramapuram village has become final and he has not questioned the same. If that be the case the 1st respondent has to take all necessary steps for appointment of permanent dealer for the said shop after notifying the same. Till then the petitioner who is appointed as temporary dealer earlier shall be allowed to continue. The entire exercise shall be completed within three months from today.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

12-10-2004

Note: Issue CC in two days.

(bo)

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer Dharmavaram, Ananthapur District.
2 The Joint Collector, Ananthapur District at Ananthapur
3 The Hon'ble Minister for Civil Supplies, Government of Andhra Pradesh , Hyderabad.
4 Two CCs to the Govt. Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5. Two CD copies.